

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--------------------------------------------------|-------------------------------------|---------------------------|-------------------------------------------------------|------------------------------------|---------------------------------|
| Investigator: Julian Phillips | Team: Squad #5 | CCRB Case #: 201900920 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 01/29/2019 3:57 PM | Location of Incident: § 87(2)(b) | Precinct: 104 | 18 Mo. SOL 7/29/2020 | EO SOL 3/15/2021 | |
| Date/Time CV Reported Wed, 01/30/2019 3:01 PM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Wed, 01/30/2019 3:01 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. POM Malik Claybrooks | 06821 | 965000 | 104 PCT |
| 2. POF Nakisha Bogle | 25590 | 962263 | 104 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|-----------------------------------------------------------------------|-----------------------------|
| A.POF Nakisha Bogle | Abuse: Police Officer Nakisha Bogle damaged § 87(2)(b)'s property. | § 87(2)(b) |
| B.POM Malik Claybrooks | Abuse: Police Officer Malik Claybrooks damaged § 87(2)(b)'s property. | § 87(2)(b) |
| C.POF Nakisha Bogle | Abuse: Police Officer Nakisha Bogle entered § 87(2)(b) | § 87(2)(b) |
| D.POM Malik Claybrooks | Abuse: Police Officer Malik Claybrooks entered § 87(2)(b) | § 87(2)(b) |
| E.POF Nakisha Bogle | Abuse: Police Officer Nakisha Bogle searched § 87(2)(b) | § 87(2)(b) |
| F.POM Malik Claybrooks | Abuse: Police Officer Malik Claybrooks searched § 87(2)(b) | § 87(2)(b) |

Case Summary

On January 30, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone.

On January 29, 2019, at approximately 3:57 p.m., Police Officer Nakisha Bogle and Police Officer Malik Claybrooks, both of the 104th Precinct, responded to § 87(2)(b)'s residence, located at § 87(2)(b) in Queens. The officers were responding to a 911 call placed by § 87(2)(b) who reported that her daughter was a runaway and was inside § 87(2)(b)'s basement apartment. PO Bogle and PO Claybrooks allegedly broke down the door to § 87(2)(b)'s apartment, allegedly broke down a second locked door inside the apartment, and allegedly entered and searched the apartment (**Allegations A-F: Abuse of Authority, § 87(2)(g)**).

The investigation did not obtain any video footage of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Nakisha Bogle damaged § 87(2)(b)'s property.

Allegation (B) Abuse of Authority: Police Officer Malik Claybrooks damaged § 87(2)(b)'s property.

Allegation (C) Abuse of Authority: Police Officer Nakisha Bogle entered § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Malik Claybrooks entered § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Nakisha Bogle searched § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Malik Claybrooks searched § 87(2)(b)

§ 87(2)(b) testified (**Board Review 01**) that, on the date of incident, he encountered § 87(2)(b) her husband § 87(2)(b) his upstairs neighbor § 87(2)(b) and multiple NYPD officers on the street in front of § 87(2)(b) § 87(2)(b) and § 87(2)(b) stated that they were looking for their daughter, and § 87(2)(b) told them that their daughter was not in his apartment. § 87(2)(b) left the scene and went to work for several hours. When § 87(2)(b) returned to his residence, he observed that both the locked apartment door and a locked bedroom door inside the apartment had been broken open and that multiple items inside the apartment had been disturbed. § 87(2)(b) provided photographs showing the alleged property damage (Board Review 13-21). § 87(2)(b) was informed by his son, § 87(2)(b) and his friend, Daniel § 87(2)(b) that they had observed officers entering the apartment with § 87(2)(b) and § 87(2)(b).

The investigation obtained telephone statements from § 87(2)(b) (**Board Review 02**) and § 87(2)(b) (**Board Review 03**), but neither provided a sworn statement. Both § 87(2)(b) and § 87(2)(b) affirmed that, while they did see officers enter and exit the front entrance doors of § 87(2)(b) they did not actually see officers enter § 87(2)(b)'s basement apartment.

The investigation determined that § 87(2)(b) and the building manager, § 87(2)(b) were all present at § 87(2)(b) at the time that § 87(2)(b) believed that officers entered and searched his apartment. The investigation obtained telephone statements from § 87(2)(b) (Board Review 04), § 87(2)(b) (Board Review 05), and § 87(2)(b) (Board Review 06), and the investigation obtained a verified statement from § 87(2)(b) (Board Review 07). None of the witnesses reported seeing any officer enter § 87(2)(b)'s apartment. § 87(2)(b) reported that PO Bogle and PO Claybrooks went into the basement-level common hallway of the building with § 87(2)(b) but she did not see what actions they took inside. § 87(2)(b) reported that the officers and the civilians knocked on the apartment door for several minutes before § 87(2)(b) left the scene. § 87(2)(b) reported that the officers and civilians knocked on the door for several minutes, but the officers left the scene without the door being opened. § 87(2)(b) reported that the officers did not go into the basement of the building at all. § 87(2)(b) also reported that she and § 87(2)(b) entered and searched § 87(2)(b)'s apartment after the officers left the scene, though she denied that she broke down the apartment door and instead recounted that it was unlocked.

The testimony of PO Bogle (Board Review 08) and PO Claybrooks (Board Review 09) was largely consistent with the statements of § 87(2)(b) and § 87(2)(b). The officers testified that they joined the civilians in knocking on the apartment door, and that they eventually told the civilians that they could not break down the door and then left the scene without taking further action. PO Bogle and PO Claybrooks both denied that they damaged any doors, and they both denied that they entered or searched the apartment.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review 10)
- PO Bogle has been a member-of-service for two years and has been a subject in one CCRB complaint and one allegation, which was exonerated. § 87(2)(g)

- PO Bogle has been a member-of-service for one year, and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On October 25, 2019, the undersigned requested a copy of any Notice of Claim filed with the New York City Office of the Comptroller regarding this incident. As of the date of this report, no response has been received. The response will be added to the case file upon receipt.
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]

Squad No.: _____

| | | | |
|---------------|-----------|--------------------|-------|
| Investigator: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |

| | | | |
|---------------|-----------|--------------------|-------|
| Squad Leader: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |

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|-----------|-----------|--------------------|-------|
| Reviewer: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |